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MBHB

P.01

FILE COPY

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. MBHB03-373)

#231

In re Application of:

Layne Britton

) Group Art Unit: 2612

Serial No.: 09/412,993

) Examiner: Not Assigned

Filed: October 5, 1999

For: Providing Audience Flow-in a Personal  
Television Device

RECEIVED

AUG-2-7 2004

Technology Center 2600

FACSIMILE TRANSMITTAL LETTER

Commissioner for Patents  
Office of Initial Patent Examination  
P.O. Box 1450  
Alexandria Virginia 22313-1450

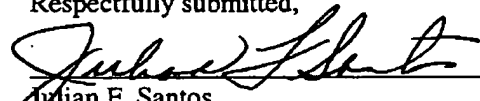
Facsimile No. 703-746-9195  
Total Pages: 5

Dear Sir:

In regard to the above identified application,

1. We are transmitting herewith the attached:
  - a) Request for Corrected Filing Receipt;
  - b) Copy of Filing Receipt with changes noted thereon;
  - c) Copy of Patent Application Transmittal with PTO stamped serial number and filing date;
  - d) Copy of PTO Decision Granting Applicant's Petition Under 37 C.F.R. 1.137(B).
2. With respect to fees:
  - a) No fee is required.
  - b) Please charge any underpayment or credit any overpayment our Deposit Account, No. 13-2490.
3. CERTIFICATE UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1, are being faxed to the Commissioner for Patents, Office of Initial Patent Examination, P.O. Box 1450, Alexandria Virginia 22313-1450, facsimile 703-746-9195 on July 28, 2004.

Respectfully submitted,

  
Julian F. Santos  
Registration No. 47,917

McDonnell Boehnen Hulbert & Berghoff LLP  
300 South Wacker Drive  
Chicago, IL 60606  
(312)913-0001 - Telephone  
(312)913-0002 - Facsimile

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. MBHB03-373)

In re Application of: )  
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Layne Britton ) Group Art Unit: 2612  
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Serial No.: 09/412,993 ) Examiner: Not Assigned  
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For: Providing Audience Flow in a Personal )  
Television Device )

RECEIVED

AUG 27 2004

Technology Center 2600

REQUEST FOR CORRECTED FILING RECEIPT

Commissioner for Patents  
Office of Initial Patent Examination  
P.O. Box 1450  
Alexandria Virginia 22313-1450

Dear Sir:

1. Attached is a copy of the official filing receipt received from the PTO dated April 26, 2004 in the above-referenced application for which issuance of a corrected filing receipt is respectfully requested.
2. There is an error with respect to the following data, which is incorrectly entered.

**Error In:**

Filing Date: October 14, 2003

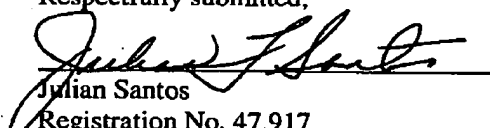
**Correct Data:**

Filing Date: October 5, 1999

3. Attached is a copy of the Patent Application Transmittal with the PTO stamped serial number and filing date as well as a copy of the PTO Decision granting Applicant's Petition Under 37 C.F.R. 1.137(B), both of which reflect the October 5, 1999 filing date.
4. The correction is not due to any error by applicant and no fee is due.

Date: July 28, 2004

Respectfully submitted,

  
Julian Santos

Registration No. 47,917

McDonnell Boehnen Hulbert & Berghoff LLP  
300 South Wacker Drive, 32nd Floor  
Chicago, IL 60606  
(312)913-0001



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
09/412,993	10/14/2003	2612	1180	R0027	6	30	5

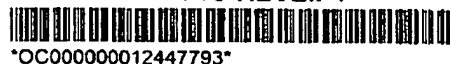
10-5-99

020306

MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP  
300 S. WACKER DRIVE  
32ND FLOOR  
CHICAGO, IL 60606

CONFIRMATION NO. 1380

UPDATED FILING RECEIPT



\*OC000000012447793\*

Date Mailed: 04/26/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

LAYNE BRITTON, PALO ALTO, CA;

**DOCKETED**

Domestic Priority data as claimed by applicant

MAY 01 2004  
15-10114/04  
DUE DATE  
BY: ORR

Foreign Applications

If Required, Foreign Filing License Granted: 10/28/1999

Projected Publication Date: 04/14/2005

Non-Publication Request: No

Early Publication Request: No

## Title

PROVIDING AUDIENCE FLOW IN A PERSONAL TELEVISION DEVICE

Preliminary Class

386

Please type a plus sign (+) inside this box → ☒

Approved for use through 09/30/2000. OMB 0651-0032  
 Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
 Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. § 1.53(b))

Attorney Docket No. R0027

First Inventor or Application Identifier BRITTON

Title PROVIDING AUDIENCE FLOW IN A PERSONAL TELEVIS

Express Mail Label No.

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☒ Specification [Total Pages 21]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross References to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to Microfiche Appendix
  - Background of the invention
  - Brief Summary of the invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
3. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 6]
4. Oath or Declaration [Total Pages ]
  - a. ☒ Newly executed (original or copy)
  - b. ☐ Copy from a prior application (37 C.F.R. § 1.63(d))  
(for continuation/divisional with Box 16 completed)
    - i. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).

\* NOTE FOR ITEMS 1 & 13: IN ORDER TO BE ENTITLED TO PAY SMALL ENTITY FEES, A SMALL ENTITY STATEMENT IS REQUIRED (37 C.F.R. § 1.27); EXCEPT IF ONE FILED IN A PRIOR APPLICATION IS RELIED UPON (37 C.F.R. § 1.28).

## ADDRESS TO:

Assistant Commissioner for Patents  
 Box Patent Application  
 Washington, DC 20231

5. ☐ Microfiche Computer Program (Appendix)
6. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Copy
  - b. ☐ Paper Copy (identical to computer copy)
  - c. ☐ Statement verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

7. ☒ Assignment Papers (cover sheet & document(s))
8. ☐ 37 C.F.R. § 3.73(b) Statement of Power of Attorney (when there is an assignee)
9. ☐ English Translation Document (if applicable)
10. ☐ Information Disclosure Statement (IDS)/PTO-1449 [Copies of IDS Citations]
11. ☐ Preliminary Amendment
12. ☐ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
13. ☐ Small Entity Statement(s) filed in prior application (PTO/SB/09-12) Status still proper and desired
14. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
15. ☐ Other:

## 16. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No. \_\_\_\_\_

Prior application information: Examiner \_\_\_\_\_

Group / Art Unit: \_\_\_\_\_

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 4b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 17. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label

(Insert Customer No. or Attach bar code label here)

or ☒ Correspondence address below

Name David Halvorson  
 Replay Networks, Inc.  
 Address 1945 Charleston Road  
 City Mtn. View State CA Zip Code 94043-1201  
 Country USA Telephone 650-210-1173 Fax 650-691-0158

Name (Print/Type) David Halvorson

Registration No. (Attorney/Agent)

33,395

Signature

Date

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.



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DUE DATE  
BY: *[Signature]*

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Paper No. 17

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SUITE 3200  
CHICAGO IL 60606

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NOV 18 2003

## OFFICE OF PETITIONS

In re Application of  
Britton

Application No. 09/412,993

Filed: October 5, 1999

Attorney Docket No. R0027

For: PROVIDING AUDIENCE FLOW IN A  
PERSONAL TELEVISION DEVICE

DECISION NOTING JOINDER OF  
INVENTOR AND DISMISSING  
PETITION UNDER 37 CFR 1.47(B)  
AS MOOT

&amp;

DECISION GRANTING  
PETITION UNDER 37 CFR 1.137(B)

This decision addresses the reconsideration petitions under 37 CFR 1.47(b) and 37 CFR 1.137(b), both filed October 14, 2003 in the same paper.

On November 1, 1999, the Office mailed a Notice to File Missing Parts of Nonprovisional Application, which set forth an extendable two (2) month period to submit an executed oath or declaration, filing fees, and a \$130.00 surcharge under 37 CFR 1.16(e) for their late filing. No response was received. Thus, this application became abandoned on January 2, 2000.

Papers filed on October 14, 2003 included a declaration signed by the previously nonsigning inventor, Layne Britton, in compliance with 37 CFR 1.63.

**In view of the joinder of the inventor, the reconsideration petition under 37 CFR 1.47(b) is dismissed as moot;** this application does not have any rule 1.47(b) status and no such status should appear on the file wrapper. This application need not be returned to this office for any further consideration under 37 CFR 1.47(b).

With respect to the reconsideration petition under 37 CFR 1.137(b), petitioner has submitted a reply in the form of a proper declaration, an acceptable statement of the unintentional nature of the delay in responding to the November 1, 1999 Notice to File Missing Parts of Nonprovisional Application, and the petition fee.

**The petition under 37 CFR 1.137(b) is granted.**

This application will be returned to the Office of Initial Patent Examination for further processing.

Telephone inquiries should be directed to the undersigned at (703) 308-6712.

*E. Shirene Willis*

E. Shirene Willis  
Senior Petitions Attorney  
Office of Petitions